(27)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 3489 of 2004

Petitioners	1.	Sadhmati D/o. Late Nohar, R/o. Village Kubda, Tahsil Sherinarayan, Distt. Janjgir Champa (C.G.)
	2.	Itwara Bai D/o Late Nohar, R/o. Village Deori, Tahsil Sherinarayan, Distt. Janjgir Champa (C.G.)
	3.	Tesam Bai D/o Late Nohar R/o. Village Kesla, Tahsil Sherinarayan, Distt. Janjgir Champa (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh, Through: Collector, Raipur.
	2.	Naib Tahsildar, Kasdol, Distt. Raipur.
	3.	Bhagdant S/o. Panchram, R/o. Village Pahnda Kotwar, Tahsil-Kasdol, Distt. Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Justice **Satish K. Agnihotri**

Shri Ashok Das Vaishnav, Advocate with Shri Sameer Sahu, Advocates for the petitioners.

Shri Sushil Dubey, Govt. Advocate for the respondents.

ORDER

(Passed on this 18th day of June, 2007)

1. The case of the petitioners is that they are in possession of the lands, which were in possession of their predecessors. The possessions of the lands in question have been uninterrupted and continuous. The petitioners are presently working as Kotwar. The petitioners claim Bhoomiswami rights over the lands which have been granted by the competent authority to their predecessors, prior to 1950.

2. Learned counsel for the petitioners submits that the facts and question of law involved in this petition, as well as the relief sought,

are similar to that of in W. P. No. 341 of 2002 (Fatte Singh and others Vs. The State of Chhattisgarh & others), which was disposed of by this Court vide order dated 22nd February, 2007, in the following terms:-

> "In the result, this petition is disposed of with the direction that the competent authority shall consider the case of the petitioners for grant of Bhoomiswami right, in accordance with law after affording proper opportunity of hearing to the concerned parties, within a period of three months from the date of receipt of a copy of this order."

3. Learned counsel appearing for the respondents/State does not dispute the above fact.

4. In view of the above, this petition stands disposed of in terms of the order dated 22.2.2007, passed by this Court in W. P. No. 341 of 2002 (Fatte Singh and others Vs. The State of Chhattisgarh & others). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur